

REMARKS

Applicant acknowledges receipt by the United States Patent and Trademark Office of the foreign priority documents submitted under 35 USC 119 (a-d) and the receipt of an Information Disclosure Statement (IDS), submitted on January 15, 2004 and August 26, 2004, respectively, with the references cited therein now of record.

The rejection of claims 1-5 and 10-13 under 35 USC 102(b) as being anticipated by Tsukamoto (USP 5,563,699), is respectfully traversed.

The teaching in Tsukamoto '699 is limited to a document feeder which employs an endless belt driven by rollers 4 and 5 on opposite ends respectively. The interpretation of a drawing must be consistent with the specification and must be logical. To consider an endless belt as having a first transportation path represented by the top of the endless belt and a second transportation path independent of the first transportation path represented by the bottom of the endless belt is not logical. The path at the top of the endless belt becomes the path of the bottom of the endless belt since the belt is in continuous motion and, as such, they cannot represent independent transportation paths. Instead, they can only represent a single transportation path which is endless.

Nevertheless, claim 1 has been further amended to make it clear that the data reading apparatus has two different mediums one of which is a bendable first medium and the second a rigid medium which is not taught in Tsukamoto '699. For this reason alone the rejection should be withdrawn.

Claims 2 to 13 are dependent upon claim 1 and accordingly the rejection for claims 2-13 should also be withdrawn.

It should be pointed out that claim 2 has been further amended for

purposes of clarification and to indicate that the first transportation path has a first straight transportation path, that the first curved transportation path is connected between the first straight transportation path and that the middle transportation path and that the second curved transportation path is connected to the middle transportation path. Moreover, the second straight transportation path is connected to the second curved transportation path and the second transportation path has a third straight transportation path including the middle transportation path. This is totally different in structure and arrangement from Tsukamoto '699.

Claim 3 has also been amended to make it clear to the Examiner that the inlet end of the second transportation path also serves as the discharge end for the second scanned medium.

The explanation of the Examiner regarding the presence of a first transportation path and an alleged second transportation path in Tsukamoto is inconsistent with an endless belt which by definition has only one transportation path in continuous motion. This explanation is even more difficult to understand in relation to the reference bottom of the second transportation path since the transportation path is in continuous motion. The interpretation of a reference under 35 USC 102 should be consistent with the description in the specification. The interpretation of the endless belt configuration as presented by the Examiner is not consistent with the teaching of Tsukamoto and is illogical.

Claim 5 is dependent upon claim 4 and is believed patentable for all of the reasons given heretofore as well as the fact that whatever the Examiner calls a guide for guiding a change in transportation direction of the first scanned medium along the second curved transportation path is not consistent with the description of the endless belt in Tsukamoto.

Claims 10-13 are dependent claims which depend upon claim 1 and are therefore believed patentable for the same reasons as given heretofore.

Claims 14 and 15 are new but are clearly different in structure from that taught in Tsukamoto '699.

The rejection of claims 6-9 under 35 USC 103(a) as being unpatentable over Tsukamoto '699 in view of Momose (USP 6,290,129), is respectfully traversed.

The Examiner alleges that Tsukamoto discloses the subject matter of claim 1 as described in claims 1-5 which as explained heretofore, is not true even as originally presented, much less for a rejection under 35 USC 103(a).

The amendment to claim 1 makes it clear that the data reading apparatus has two different mediums one of which is a bendable first medium and the second a rigid medium which is not taught in Tsukamoto '699 or Momose '129. Accordingly, data can be read from checks or other media that can be bent and rigid media such as drivers license may also be read. Moreover, Momose is also limited to use of an endless belt which is entirely different from the arrangement taught in the subject invention. Accordingly, claims 6-9 are believed clearly patentable over Tsukamoto '699 and Momose taken individually or in combination.

For all of the reasons given above, claims 1-15 are clearly patentable over the cited references taken individually or in combination.

Reconsideration and allowance of claims 1-15 is respectfully solicited.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION

I hereby certify that this Amendment is being submitted to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 via EFS-Web on May 29, 2008.


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